

IN THE
SUPREME COURT OF THE UNITED STATES

No. **77 - 590**

Annie Mary Timmons,

Petitioner,

Vs.

John B. McGrath,

Respondent

PETITION FOR A WRIT OF CERTIOPARI TO
THE SUPREME COURT OF SOUTH CAROLINA

Annie Mary Timmons
Pro Se
3104 Monroe Street
Columbia, S. C. 29205

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28 U.S.C. 1254 (1)
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 42 U.S.C. 1983
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 S. C. Code 15-39-720

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 Respondent

PETITION FOR WRIT OF CERTIORARI TO
 THE SUPREME COURT OF SOUTH CAROLINA

The petitioner, Annie Mary Timmons, petitions for a writ of certiorari to review the order of the South Carolina Supreme Court affirming the verdict of The South Carolina Court of Common Pleas.

OPINIONS BELOW

The Opinion of the South Carolina Supreme Court affirming the verdict in the trial Court is printed in Appendix A. Denial of Petition for Rehearing is printed in Appendix B. Denial of Petition for Stay of Execution of Judgment is designated Appendix C. A letter from the Clerk of Court of the United States Supreme Court authorizing Petition for Certiorari appears in Appendix D.

JURISDICTION

The Affirmation of the South Carolina Supreme Court was entered Feb. 11, 1977. A timely Petition for Rehearing was denied on May 5, 1977. A Notice of Appeal was filed in the South Carolina Supreme Court on May 13, 1977 and in the Supreme Court of the United States on May 16, 1977. An Application for Stay of Enforcement of Judgment was denied by the South Carolina Supreme Court May 16, 1977 and in the Supreme Court of the United States June 27, 1977.

The Clerk of Court of the Supreme Court of the United States gave petitioner permission

to file a Writ of Certiorari or to docket an appeal by his letter of August 19, 1977. Her application for an extension of time for filing pointed out that no relief had yet come for her emergency straits set forth in her Petition for Extraordinary Writs docketed as No. 77-35 July 6, 1977 and that without finances, constitutional rights and adequate physical strength and eyesight to do all the work herself she sorely needed extra time for filing Certiorari.

Number 77-35 includes a Petition for a Writ to issue to the State Court to pay from funds allegedly held for her by the Court to Attorney William F. Able for representation of petitioner in this McGrath Case. The Court unjustly prevented petitioner from obtaining legal help by withholding from this attorney money assigned to him.

The jurisdiction of this Court is invoked under 28 U.S.C. 1254 (1).

QUESTIONS PRESENTED

1. Can judicial disregard of all the pertinent facts and exceptions arising from a Trial Court and resulting in complete denial of due process in violation of Section 1 of Amendment XIV to the Constitution of the United States States bar recourse in the Supreme Court of the United States in which the judicial power of the country is vested by Article III Section 1 of the Constitution?

2. Can sanction of a decision in a State Court depriving one litigant, a physically weak woman in the Senior Citizens class who had already been robbed of her main income property and business under legal guise, of the equal protection of the laws secured by the 14th Amendment by arbitrarily giving a favorable decision to the opposing litigant belonging to the white-collar class of swindlers seeking to rob weak old women of their hard-earned properties the easy way because too sorry to work for property for themselves and too cowardly to attack any except the weak ones, bar recourse in the Supreme Court of the United States?

3. Can a person who subjects or causes to be subjected any citizen of the United States to the deprivation of the rights of due process and equal protection of the laws be able to bar that citizen so deprived from making him liable to the injured party, as she is guaranteed the right to do by 42 U.S.C. 1983, from redress in the Supreme Court of the United States?

STATUTES INVOLVED

AMENDMENT XIV SECTION 1 TO THE CONSTITUTION OF OF THE UNITED STATES:

NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS."

ARTICLE III SECTION 1:

"THE JUDICIAL POWER OF THE UNITED STATES SHALL BE VESTED IN ONE SUPREME COURT."

42 U.S.C. 1983:

"EVERY PERSON WHO, UNDER COLOR OF ANY STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE, OF ANY STATE OR TERRITORY, SUBJECTS, OR CAUSES TO BE SUBJECTED, ANY CITIZEN OF THE UNITED STATES OR OTHER PERSON WITHIN THE JURISDICTION THEREOF TO THE DEPRIVATION OF ANY RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION AND LAWS, SHALL BE LIABLE TO THE PARTY INJURED IN AN ACTION AT LAW, SUIT IN EQUITY, OR OTHER PROPER PROCEEDING FOR REDRESS."

STATEMENT

On March 16, 1971, in the city of Ft. Lauderdale, Fla., where the petitioner was living in an attempt to reduce high blood pressure and prevent a massive stroke, the respondent John McGrath met the petitioner, Annie Mary Timmons, through Mr. Bockhold of Florida Mortgage Center, and contracted with her to sue the Tricentennial Commission, a Body appointed to make plans for a S. C. State Celebration in 1970, for compensation and damages resulting from the taking of her 163 unit apartment and restaurant complex by illegality and fraud as the result of "special" legislation on the part of the State Legislature's bestowal of eminent domain power upon this temporary commission for the sole purpose of taking the petitioner's property with an apartment and restaurant business of many years standing (Sup. factual Brief S.Ct.U.S. at p.16; Tr at 356 F1422; Tr 357 F1425; Proof throughout the entire transcript).

Simultaneously with the taking the Tricentennial Commission entered into a contract with HUD for a grant to the Commission to be used to purchase petitioner's property. The 200' front-foot lot was allegedly taken to furnish a few

parking places for the Tricentennial celebration, which parking places everybody knew were impossible on that lot covered with 5 fine buildings worth more than 3 million dollars and that the handful of parking places were totally unneeded, there being a super-abundance of parking area already never used near to capacity according to an actual clocking of cars (Pet. for Extraordinary Writs. Sup. Ct. U.S. photographs of property with 5 Bldgs.).

The big taking under legal guise proceeded merrily by a fixed plan without interruption. The poor little owner who struggled intensely and invested largely to build the beautiful complex could not buffet the State's machinery nor the collusion and fraud that it picked up along the merry eminent domain path (Sup. Factual Brief pages 49-52 with references to transcript; entire Tr).

John McGrath got all the facts and was eager to accept the terms of the simple contract, the only one the owner could possibly make as she attempted to exist without finances, business, income, compensation for her condemned complex, and in danger of a massive stroke from high blood

pressure. He gladly agreed to sue the state, to go to Columbia, S. C. only one time prior to the trial, at which time he would file the suit and pick up from the Court 3 checks for the petitioner (one, for the C & S Bank, one for the First Federal Savings and Loan to pay 2 small mortgage balances not due but desired to be paid by the petitioner who had been robbed of business and income and had no way to continue paying by the month and one for creditor Plumer who advanced about \$65,000 for attorneys' fees), and otherwise to stay out of her property and business affairs entirely except for the damage suit against the state. He suggested and agreed to expenses in the amount of \$2,500-\$3,000 maximum and 10% (the same a realtor would receive, he said) of all money won over \$325,000 (Sup. Factual Brief pages 53-54 with 55 or more Tr. references).

Petitioner paid him \$400 of the \$2,500 to \$3,000 expense money on March 16, 1971 and thereafter borrowed and paid to him various amounts when he came demanding money. He soon got all the expense money contracted for but continued to

threaten to drop the damage suit if she couldn't get him more money for his own emergency bills to leave him free to work on the case, which she now knows he never intended to bring at all. He got \$8,022.11, for \$2,000 of which he gave her 2 90-day notes (List of checks and notes Tr. Defendant's Exhibit B 10 pages).

McGrath appeared to be drunk or doped about two thirds of the time. Mr. Bockhold, who was ill with cancer, apologized repeatedly for bringing McGrath into the picture saying that he did not know McGrath had degenerated so far and was convinced he could not handle any kind of case adequately. He tried to remove him but McGrath refused violently to release the petitioner from the stated agreement.

Meanwhile the petitioner was able to bring her blood pressure down a little but developed anemia and became weaker and weaker by reason of being without the necessities of life while others got rich from her holdings and fees charged her. McGrath was sure she would never return to Columbia and obviously went there himself to take, with help, her

remaining properties, not to seek compensation for her (Affidavits and orders Tr. 5-47; entire Tr.).

McGrath breached his contract 100%, never touching the damage suit he was employed and paid to bring, making numerous trips to Columbia where with like-minded individuals he mapped out his strategy to steal her remaining properties, stuck his nose into every phase of her life, business, holdings, and false claims that she was handling but lost in full or in part because of his interference. He did not get the checks for the 2 mortgage balances but did pick up the check for creditor Plumer in payment of attorneys' fees. It was made out wrong to 3 people by Court order which the petitioner never saw until the day of the trial. The whole amount was due Mrs. Plumer who charged no interest, and McGrath was to pick up the check without charge in the hope of borrowing some more - he had already gotten 3 times the contractual agreement (Plaintiff's Exhibit N).

McGrath claimed he engaged in activities, real or imagined, which were prohibited by contract, but for which he demanded exorbitant sums of money.

He said he took expensive trips here and there for the alleged purpose of obtaining loans or lumping all the properties together for some purpose, all of which activities were for his own interest if he engaged in them and caused the petitioner only loss and suffering. His schemes and activities engaged in for the purpose of bringing suit against the petitioner resulted in a \$100,000 lien over all her properties, which false claim deprived her of the use and enjoyment of her properties for 4 years and prevented her selling anything as a last resort to furnish her the means of livelihood (Affidavit John McGrath Tr. pages 25-27).

In November, 1975, a trial was held in Columbia in the Court of Common Pleas with Judge Grimball presiding. He refused to postpone the trial although her physical condition and her doctor's orders called for postponement. By a network of lies, machination, and trickery McGrath obtained a verdict of \$35,000 despite the facts that he never represented her at all, high-pressured and borrowed from her under false pretenses for which he gave no service whatever, was not a member of the Bar Association, had no case against her other than false schemes

and accusations, never served a complaint on the petitioner but allegedly mailed one to her to an address which he knew had never been hers (her information concerning his outrageous claims came from a newspaper clipping someone had sent her from Columbia), managed somehow to get the case tried under the wrong jurisdiction, and got a judgment of \$35,000 -\$38,955.48 to date of sale - (Petition for Extraordinary Writs - App.).

The petitioner sweat blood to prevent the respondent and his aids from taking her properties by Sheriff's sales as planned. It finally turned out that her most valuable piece of property was sold August 1, 1977 to satisfy the false claim. This was accomplished with the help of an old unconstitutional law made a part of the S. C. Code for 1976 which denies the highest bidder, who is sure to be the owner trying to save her property, on the first sales day, the right to bid again during a 30-day upset bid period. Any schemer can top the owner's bid a little and take hard-earned rich property paid for over a lifetime for a few paltry dollars. The law reads "any person

other than the highest bidder...may enter a higher bid" (S. C. Code 15-39-720).

The owner in this case, desperate because that was the only salable piece of property she had (with the rest forced by the city to remain unproductive) and the only hope in the future to get any money at all with which to begin repairs of her burned buildings. It was a miracle in this case that the owner managed to get this property back by signing a mortgage, but it will take another miracle to get any money anywhere to apply to a mortgage payment without any income. A review of the case would remove some of the strain, heartache, and worry from the petitioner's life and would bring about a return of all that McGrath has taken plus damages (Petition for Extraordinary Writs of which this case is a part).

The S. C. Supreme Court affirmed the McGrath judgment and denied petitioner's Motion for Rehearing.

REASONS FOR GRANTING WRIT

I. Certiorari should be granted because judicial disregard of the pertinent facts, conditions, and exceptions arising from a Trial Court and resulting in complete denial of due process of law secured by Section 1 Amendment XIV of the United States Constitution sanctions such a departure by the lower Court from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's power of supervision. The higher Court sweeps the whole case under the rug in 6 words, "THE REMAINING EXCEPTIONS ARE WITHOUT MERIT" (Order of Supreme Court App. herein at p. 24).

Some of the pertinent facts, conditions, and exceptions denying due process and more fully described in petitioner's Factual Brief now before the Court are as follows:

1. The judge failed to disqualify himself for the hearing of this case when the case itself resulted from his own error of arbitrarily establishing the plaintiff as defendant's attorney at the hearing for disbursement of funds Apr. 5, 1971 (Tr.127f506;Tr.125f500;Tr.122f508;Tr.126f501;Tr.149f595;Tr.150f597;Tr.152f607;Tr.149f594;Tr.126f501).

2. The defendant was never served with a summons and complaint in this case but was sent a news story concerning McGrath's schemes against her. The Court and all other interested parties had her address in Florida at all times from 1970 until today (Tr.357 F1426,1427;Tr.355 F1417,1418;Tr.354 F1413,1414;Tr.371 F1481-1485).

3. The Court's refusal to continue the trial to allow new counsel time to prepare for the case or even to look over the record denied the defendant a fair trial and due process of law (Tr.126 F502;Tr.128 F510,511;Tr.129 F514;Tr.131 F523).

4. The Court withheld Court records from the trial despite repeated requests for them when they would have proved defendant's own handling of the false claims against her for which McGrath was charging her in his fraudulent claims (Tr. 96 F383;Tr.113 F450;Tr.120 F477 & 478;Tr.97 F383-386;Tr.98 F389).

5. Denial of due process was guaranteed when about 6 members of the Bar joined hands with an obviously false claimant to finish destroying one poor little old woman who had already been robbed of her hard-earned income property and reduced to a pauper by a scheme of confiscation (Tr.126 F502; Tr. 128 F510,511; Tr.129 F514; Tr.131 F523;Tr. 181 F722; Tr. 421-422; Tr. 421-422).

6. The Court approved as an expert a witness whose expertise was not applicable to the issues and circumstances before the Court. The witness improperly adjudicated the real issue, namely, "What services did McGrath perform?" in order to apply his so-called expertise to the issue "How much did such services cost?" This testimony confused and prejudiced the jury into making a wrong decision, thereby denying the defendant of due process of law (Sup. Factual Brief pages 335-36).

7. The verdict was contrary to the greater weight of the evidence and denied the defendant due process of law (Sup. Factual Brief 37-49).

8. The plaintiff's evidence was obviously a collection of untruths and mixed-up jargon which precluded the jury from making a fair decision. Petitioner can recall only 4 truths in the testimony by plaintiff's side of the issue in the Record of 538 pages which are as follows:

- (1) The petitioner is a resident of Florida.
- (2) Hartzog didn't receive Complaint sent by McGrath and Jordan to Hartzog at his Columbia or Washington addresses, but answered a

Complaint, thus proving that Timmons was handling her own case and they were unknown.

- (3) McGrath represented Florida Mortgage Co. not Annie Mary Timmons.
- (4) The other lawyers were employed by McGrath and were looking to him for their fees
(See Insert 17 for point # 8)

II. Certiorari should be granted because the State Court decision sanctions violation of the equal protection of the laws secured by Amendment XIV as applied to a situation with representative individuals constituting a federal question of substance not theretofore determined by this Court

Without the equal protection of the laws there would be no gauge for justice. The petitioner in this case is a physically weak woman high up in the Senior Citizens class and one who has been fraudulently robbed of her main income property and her business under legal guise. Injustice has robbed her of the rich results of 50 years of intense work and investment, has reduced her from a substantial property owner to

(Sup. Factual Brief p. 54-58; Tr. 165 F659;
 Tr. 173 F689; Tr. 17 F684; Tr. 169 F675; Tr. 171 F681;
 Tr. 346 F1381; Tr. 96 F383,386,388; Tr. 101 F403;
 Tr. 120 F479; Tr. 46 F182; Tr. 10 F 38; Tr. 60 F237,238;
 Tr. 58 F281; Tr. 60 F237; Tr. 60 F238; Tr. 61 F241;
 Tr. 61 F241; Tr. 61 F243; Tr. 275 F 1097-98;
 Tr. 195 F778-779; Tr. 456 F1825; Tr. 265 F1060).

a pauper, has destroyed her way of life, her health and has crushed her spirit in the taking of her Constitutional rights. She belongs to a very large group of senior citizens who have been crushed by discrimination and injustice and it is important that they retain their rights.

The other litigant in this case belongs to the white collar class of swindlers who live by taking advantage of the weak and who can be weaker than a weak old woman? This man saw his chance to rob a weak elderly woman with choice hard-earned over a long period property that he craved for himself but would not think of working long and hard to get it. Not being courageous enough to battle even a weaker soul, he corrals much help to accomplish his purpose,

The old are talked about in connection with privileges and good things but today they are a class largely discriminated against. Real justice in the courts would lessen crimes committed against the weak by thugs, every-day thieves, or white-collar swindlers. This man has been given every advantage in the Court to help him attain victory

over this woman senior citizen who because incapacitated by illness as so many are:

1. Due process was denied her in the settling of the record to assure his success.

2. The petitioner's exhibits which would have proved that McGrath was not authorized to do any of the things he included in his scheme of false services and charges were barred from the record.

3. The Court denied the petitioner due process and a fair trial by not postponing the trial a few weeks in accordance with her doctor's statement. The Court forced her to come to trial and persecuted her with zest.

4. The Court allowed the witnesses for the plaintiff to be as comfortable as possible, arranging their testimony to suit them while the Judge forced the petitioner to testify until 10 o'clock at night after a hard day in Court when her physical weakness was such that exhaustion rendered her unable to represent and defend herself.

5. The petitioner was denied a fair trial and due process when the Court allowed a city

official to arrest her with 5 criminal warrants and remove her from the Court room - deliberately - in view of the jurors on the McGrath case when no crime had been committed - not even a misdemeanor.

6. The Court withheld information in favor of petitioner by allowing the plaintiff's side to be fully presented to the jury and then excusing the jury 10 minutes under pretense of discussing an unimportant point in order to shift to the issue of Court funds in the name of Annie Mary Timmons which the jury must be kept from hearing to lead them to think she had plenty and was too stingy to pay all these lawyers supposedly representing her but actually stealing from her.

What the Court did say was largely mis-statements such as: their affirmance of the services of McGrath when there was not one iota of evidence in the entire record of pages that McGrath performed any services at all toward the damage suit he had contracted to bring. is much evidence that he failed to touch the damage suit for which he was employed and paid, that he caused the petitioner not to receive 1,000's of dollars that belonged to her by meddling in

her affairs which he agreed by contract not to touch.

The Court also made other misstatements referring to the plaintiff traveling to New York in her behalf (not record) in the/when he went nowhere in her behalf - not even on dreamed up trips to New York. The Court mentioned his service in the field of mortgage foreclosures although petitioner's business was 100% in order when the Tricentennial struck and there were no mortgage foreclosures and the hiring of associate attorneys for McGrath when she did not hire McGrath for any of these matters and could not have hired associates. According to the record the attorneys themselves stated that they were hired by McGrath and looking to him for payment (Sup. Factual Brief Tr. 10).

Equal protection of the laws should extend to all classes and groups and should give the opportunity for redress to all.

III. Certiorari should be granted in order for this Court to determine whether or not a state decision that sanctions a person of the swindler type depriving a woman, a weak senior citizen, of the rights of due process of law

and the equal protection of the laws can bar that citizen so deprived from making him liable for redress for any injury, as she is guaranteed the right to do in 42 U.S.C. 1983. Amendment XIV is certainly in jeopardy if such violations of due process and equal protection of the laws cannot be guaranteed by 42 U.S.C. 1983.

CONCLUSION

In view of the respondent's undisputed breach of contract in every particular, his extortion of \$8022.11 under false pretenses, the forfeiture of appellant's claim for over 3 million dollars, the creation of a case against her out of absolute lies, collusion, and unbelievable treachery, the many inequities suffered by appellant during the trial, the paralyzed condition of her properties and other affairs until changed by judicial decision for the restoration of her rights and justices and in view of the danger to her from McGrath and any other shark who might be desirous of her downfall in her quest for recovery of her rights and restoration of justice - in view of

all these things the case should be reopened
to afford an opportunity for justice.

Respectfully submitted,

Annie Mary Timmons
Pro Se
3104 Monroe Street
Columbia, S. C. 29205
Telephone: 803-256-1417

BEST COPY AVAILABLE

John B. McGrath, Respondent,
v.
Annie Mary Timmons, Appellant.

Appeal From Richland County
John Grimball, Judge

Memorandum Opinion No. 77-15
Filed February 11, 1977

AFFIRMED

J. Wesley Drawdy and William J. Nicholson, both of Columbia,
for appellant.

Robert A. Bullock and Eugene F. Rogers, both of Columbia,
for respondent.

*No services
performed for
appellant!*

PER CURIAM: Respondent instituted this action for attorney's fees, expenses, and compensation for additional non-legal services performed. The jury returned a verdict in favor of the respondent in the amount of \$35,000.00. We affirm.

Appellant attempts to assert several alleged jurisdictional defects. Appellant specially appeared; however, after an adverse ruling she answered, counter-claimed, and moved for a summary judgment without reserving her jurisdictional questions. Section 10-648, Code of Laws, 1962. She has therefore waived all jurisdictional defects. *Connell v. Connell*, 249 S. C. 162, 153 S. E. (2d) 396 (1967).

Appellant asserts error in the denial of her motion for summary judgment on the basis that the respondent was not a licensed attorney in the State of Florida or South Carolina. In considering these exceptions, all ambiguities must be construed against the moving party. *Title Ins. Co. of Minnesota v. Christian*, 356 S. C. 226, 226 S. E. (2d) 240 (1976). Respondent is a licensed attorney in the State of Iowa. Respondent associated two South Carolina attorneys and was admitted *pro hac vice* to participate before our courts. Rule 13, Rules for the Examination and Admission of Persons to Practice Law (1975 Cum. Supp.). Significantly, appellant admits that the respondent fully disclosed to her that he was not licensed in the State of South Carolina. We find that the amount of attorney services rendered and the value of such services was properly submitted to the jury. *DeWitt v. Kelly*, 256 S. C. 224, 182 S. E. (2d) 65 (1971); *Singleton v. Collins*, 251 S. C. 208, 161 S. E. (2d) 246 (1968).

There were no services. Created lies were adjudged by a so-called expert on fees, not services.

Appellant next asserts the award was so excessive as to indicate that it *remained* was the result of passion, prejudice or mistake. In reviewing this exception we are mindful that substantial deference must be accorded the jury verdict and the award should not be disturbed absent a presumption that the award was the result of passion or it shocks the sense of justice. See *Lucht v. Youngblood*, 266 S. C. 127, 221 S. E. (2d) 834 (1976); *Haitiwanger v. Barr*, 258 S. C. 27, 186 S. E. (2d) 819 (1972).

* Respondent worked for the appellant for eleven months during which time he made numerous trips to South Carolina as well as traveling to New York and Georgia. Respondent negotiated several settlements for the appellant including claims by individuals, tax liens, and mortgage foreclosures. Although the respondent has already received approximately \$8,000.00 from the appellant, he incurred a debt of \$7,500.00 for associated attorneys which must be satisfied out of this award. We are unable to conclude from the record that the award was excessive.

No attys were hired or authorized by Appellant -

*Sweep everything
under the
rug!*

The remaining exceptions are without merit. Since a full written opinion would be of no precedential value, and no error of law appears, we affirm under Rule 23 of the Rules of Practice of this Court.

AFFIRMED.

McGrath was not hired for any of the services which he made up and created charges for!

He never brought the damage suit for which he was employed.

_____	C. J.
_____	A. J.
_____	A. J.
_____	A. J.
_____	A. J.
_____	A. J.

* Appellant met respondent Mar 16, 71 -

Respondent did not work for appellant even 1 day! He demanded and borrowed money from her under false pretexts, refused to repay her, and disappeared for good at October, 1971. Many mos. later he put his lies on a CD. Receipt.



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The Supreme Court of South Carolina

FRANCES H. SMITH
CLERKP.O. BOX 11330
COLUMBIA, S.C. 29211

May 5, 1977

Ms. Annie Mary Timmons
3104 Monroe Street
Columbia, South Carolina 29205

Re: McGrath v. Timmons.

Dear Ms. Timmons:

The Court has this day refused your petition for rehearing
in the above case in the following order:

"Petition Denied:

s/ J. Woodrow Lewis C. J.

s/ Bruce Littlejohn A. J.

s/ J. B. Ness A. J.

s/ Wm. L. Rhodes, Jr. A. J.

s/ George T. Gregory, Jr. A. J.

The remittitur is being sent down today.

Very truly yours,

Frances H. Smith

CLERK

FHS/djs

CC: J. Wesley Drawdy, Esquire
P. O. Box 11567
Columbia, S. C. 29211Robert A. Bullock, Esquire
1013 Barringer Building
Columbia, S. C.

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EXHIBIT B

26

The Supreme Court of South Carolina

FRANCES H. SMITH
CLERKP.O. BOX 11330
COLUMBIA, S.C. 29211

May 26, 1977

Mrs. Annie Mary Timmons
3104 Monroe Street
Columbia, South Carolina 29205

Re: McGrath v. Timmons

Dear Mrs. Timmons:

The Chief Justice directed that I advise you
that any stay of judgment in the above case must be granted
by the United States Supreme Court.

Very truly yours,

Frances H. Smith

CLERK

FHS/BS

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SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

August 19, 1977

Ms. Annie Mary Timmons
3104 Monroe Street
Columbia, South Carolina 29205

Re: Annie Mary Timmons v. John B. McGrath

Dear Ms. Timmons:

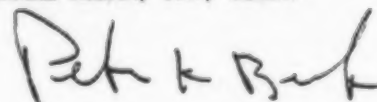
I am returning your application for extension of time to you. This Court cannot grant an extension of time once the time for filing has expired.

If you still desire to file a petition for writ of certiorari or to docket an appeal, you may do so and your petition or appeal will be docketed and sent to Court with a notation as to its untimeliness.

Very truly yours,

MICHAEL RODAK, JR., Clerk

By



Peter K. Beck
Assistant Clerk

th
Enc.

28

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

February 1977

PETITION FOR REHEARING

ANNIE MARY TIMMONS, Petitioner

versus

JOHN B. MCGRATH, Respondent

ANNIE MARY TIMMONS
PRC SE
3104 Monroe Street
Columbia, S. C. 29205

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
February 1977

ANNIE MARY TIMMONS, Petitioner

versus

JOHN B. MCGRATH, Respondent

PETITION FOR REHEARING

Petitioner prays, in accordance with sections 1 and 2 of Rule 17 of the Rules of Practice in the Supreme Court of South Carolina, that a rehearing of the above entitled matter be granted and in support thereof respectfully shows unto the court:

1. Appellant received notice through her attorney on February 18, 1977 of the opinion of this court filed eight days prior on February 11, 1977 (reportedly mailed to the attorney February 15, 1977). Then came Saturday and Sunday followed by a legal holiday, leaving the appellant without any opportunity whatever to petition in the usual manner for a rehearing and therefore denying her of due process.

2. Simultaneously with the receipt of the opinion of this Honorable Court appellant's attorney quit the case after it had been understood between attorney and client that he would carry the case to the end using all possible-recourses such as petitions for rehearing in the State Court and for issue of certiorari in the U. S. Supreme Court, and in so doing denied her of the opportunity to employ other counsel within the limit of the 10-day period prescribed by Rule 17 Section 1.

3. Since petitioner has lost most of the 10-day period allowed for the petition for rehearing, it is physically impossible to find the respondent in time to request his signature on a consent for stay of remittitur until

after final determination of the case. According to the transcript appellant searched for him for about 2 years after he took her money under false pretenses, swore off her damage suit which he was employed and paid to bring, and disappeared completely until the trial in November, 1975, since which time she has not seen him and cannot find out anything concerning his whereabouts. Under these circumstances she begs to be excused on this point.

4. The jurisdictional question involving the residency of both appellant and respondent requires clarification on several points which might change the result.

5. The basis for the jury award and respondent's claimed tenure of services, not contracted for but allegedly performed, have been misapprehended by the Court and justify a rehearing.

6. The following phrases in connection with exceptions together with supplemental factual questions involved are only suggested of significant points overlooked or misapprehended by the Court:

Exceptions (pp 531-533)

factual questions (pp 1-3)
in supplemental brief

- (1) No grounds for attachment
- (2) No grounds that petitioner "absconded".....2
- (3) No evidence of petitioners residency in South Carolina but proof of same in Florida
- (4) Not served in South Carolina.....2, 16
- (5) Money collected as an attorney under false pretenses.....9, 15
- (6) 2nd cause of action impossible
- (7) No right to recover when should return money taken under false pretenses.....10, 11, 13, 14
- (8) No evidence of right to any fee.....10, 11, 13, 14
- (9) Any verdict grossly excessive.....10, 11, 13, 14
- (10) Arrested in Court room, escorted toward jail in view of jury deliberating on petitioner's case

(11) New Counsel forced instantly to trial.....1, 3, 4, 5, 6, 7, 8, 12

Wherefore, in view of the existing conditions as to the true limit for petition for rehearing and the sudden and unauthorized lack of legal representation forcing appellant to make a last minute effort on her own behalf for judicial protection, appellant-petitioner prays that this Honorable Court grant her a rehearing, that the remittitur be stayed, and that the status of the property be undisturbed until after the final determination of the case; or should this petition be deemed inferior by reason of lack of time for preparation, petitioner prays that the usual number of days allowed for a petition for rehearing be given her.

Respectfully submitted,

Annie Mary Timmons, Petitioner
Pro:se

3104 Monroe Street
Columbia, S. C. 29205
Telephone: 256-1417

February 19, 1977

But for my timely telegram to the Court, which angered the Judge very much, McGrath might have collected false claim from the money alleged to have been set aside for me. My telegram also stopped another crooked lawyer, Gerard Hartzoff, who went to the hearing Apr. 5, 1971 and attempted to get money from the Court.

McGrath

July 22, 1972

Breach Of Contract Suit Brought Against Miracle Apartments Owner

By ANNE MARSHALL
Record Staff Writer

John P. McGrath of Columbia has brought a breach of contract suit for \$75,000 against Miss Annie Mary Timmons, owner of the Miracle Apartments that through condemnation became public property and part of the Hampton-Preston House. The property, for which Miss Timmons received a jury award of \$32,000, was to

have been converted into a garden by the Tricentennial Commission. Shortly after the court action, Miss Timmons left South Carolina and is believed to be in Fort Lauderdale, Fla.

The bank mortgage on Miracle Apartments was ordered paid by the court and attorneys for Miss Timmons received their fees. However, the bulk of the money is still in the custody of John R. T. Major, Richland county clerk of court, since Miss Timmons has never returned to receive it.

McGrath's suit, filed in the Richland County Court of Common Pleas, alleges that

he and Miss Timmons entered into a special contract under which he furnished services between March 18, 1971, and May 23, 1972.

According to McGrath, the \$75,000 is long overdue and Miss Timmons has failed to pay any of it.

He said in his complaint, "The defendant has absconded South Carolina with the intent to defraud her creditors or to avoid service of a summons. She is about to dispose of her property with the intent to defraud her creditors."

McGrath asks the court to sell Miss Timmons' remaining real estate to satisfy the debt.

Legal fees.

The real estate includes four lots with improvements on Devine street; at the intersection of Sims and Heyward; the intersection of Monroe and Sims; the intersection of Duncan and Sims, and 10 acres on U. S. 1, nine miles east of Columbia.

→ what disgraceful lying words this swindler was allowed to have printed!

Sir! what could he mean? there was only the one contract of the "W" from which debt he pretended about \$1000 under false pretenses and borrowed \$2000, giving 2 separate notes of \$1000 each, all of which I had to borrow and still owe. He could whatever he means by a "special" contract. He appears to be a super swindler between dogs and liquor stores.

He swears off the case and anything connected with it or me in drunken language in Oct. 1971, refused to pay any money he borrowed, and disappeared from the contract.

• A wicked and sinister scheme to steal all my valuable properties paid for the hard way through the years. He was welcomed by the crooks with open arms to help destroy me and become rich on my remaining properties. I never heard of any special contract.

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SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

July 7, 1977

Ms. Annie Mary Timmons
3104 Monroe Street
Columbus, South Carolina 29205

Re: Annie Mary Timmons v. John B. McGrath
A-1030

Dear Ms. Timmons:

In response to your letter of June 25, 1977, please be advised that your application for a stay in the above-entitled case was denied by the Court on June 27, 1977. Since the full Court has denied a stay in this case, no further application for a stay may be filed.

Very truly yours,

MICHAEL RODAK, JR., Clerk

By

Peter K. Beck
Assistant Clerk

ch

McGrath not a licensed attorney

EXHIBIT H

THE FLORIDA BAR

MIAMI OFFICE

P. 34

PAUL A. GROSS
ASSISTANT STAFF COUNSEL

January 29, 1975

SUITE 4-123 RIVERGATE PLAZA
666 BRICKELL AVENUE
MIAMI, FLORIDA 33131
TELEPHONE (305) 377-6445

Mrs. Annie Mary Timmons
401 N. E. Third Avenue
Fort Lauderdale, Florida 33301

Dear Mrs. Timmons:

There is currently no John McGrath licensed to practice law in Florida. Accordingly, your case is being forwarded to our Unauthorized Practice of Law Committee. You will be hearing from them shortly.

For your protection, you should obtain legal advice from a licensed attorney as soon as possible.

Very truly yours,

Paul A. Gross
PAUL A. GROSS

PAG:md
Honorable R. Layton Mank
Chairman Unauthorized Practice of Law committee
First Federal Building
100 N. E. First Avenue
Miami, Florida 33132

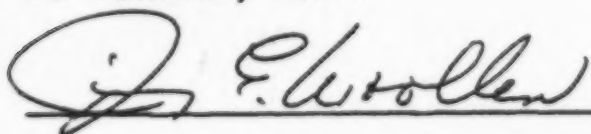
AFFIDAVIT OF MAILING

In accordance with Rule 33-3c of the Rules of the Supreme Court of the United States I certify that I have this 3rd day of October, 1977, filed 40 copies of the Petition for Extraordinary Writs in the Clerk's office and have mailed the required copies of the Petition for Writ of Certiorari to Robert A. Bullock, Attorney at Law, 1013 Barringer Building, Columbia, S. C.

Annie Mary Timmons

Annie Mary Timmons
3104 Monroe Street
Columbia, S. C. 29205

Sworn to and subscribed before me this 3rd day of October, 1977.



Notary Public of South Carolina

My commission expires Sept 1978.